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Attorney for BENJAMIN SARGISSON

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,) No. 2:22-16 DJC
Plaintiff,)
) AMENDED STIPULATION AND
v.) ORDER TO STATUS CONFERENCE
)
BENJAMIN SARGISSON,) Requested date: 10-31-2024
Defendant,) Time: 9:00 a.m.
) Judge: Hon. Daniel J. Calabretta
=====)	

It is hereby stipulated between the parties, James Conolly, Assistant United States Attorney, and Michael Long, attorney for defendant BENJAMIN SARGISSON that the status conference set for August 22, 2024, at 9:00 a.m. should be continued and re-set for October 31, 2024, at 9:00 a.m.

The parties further agree that this court should make a finding of good cause for the requested extension and that in fact good cause is hereby shown. The government has provided discovery to the defense, including audio and video recordings. Mr. Long continues to read, view and listen to the discovery, investigate the case, order records from county courts and meet with his client. Mr. Long has received the requested discovery related to a potential motion to suppress evidence. Mr. Long has been meeting with his client and determining whether such a motion is viable. Mr. Long is obtaining county court records from past convictions, and they are needed to represent Mr. Sargisson effectively. Mr. Sargisson continues to have medical problems related to his intestines that has made

1 it more difficult to meet with Mr. Long. Mr. Sargisson is pending surgery for the intestinal problem.
2 Counsel believes that failure to grant the above-requested continuance would deny counsel the
3 reasonable time necessary for effective preparation, taking into account the exercise of due
4 diligence. Counsel for the United States does not oppose this requested continuance. All parties
5 are available to appear in this case on October 31, 2024.
6

7 Each party further stipulates that the ends of justice served by granting such continuance
8 outweigh the best interests of the public and of all the defendants in a speedy trial. Time has already
9 been excluded through August 22, 2024.
10

11 All parties request the date of October 31, 2024, at 9:00 a.m., for the new status hearing. The
12 request for extending the date for the status conference is at the specific request the defendant and
13 with the knowing, intelligent and voluntary waiver of the defendant's speedy trial rights under the
14 law. Good cause is hereby shown.

15 For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq.,
16 within which trial must commence, the time period from the present date through October 31,
17 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
18 T4] because it results from a continuance granted by the Court at defendants' request on the basis
19 of the Court's finding that the ends of justice served by taking such action outweigh the best
20 interest of the public and the defendant in a speedy trial.
21
22

23 Dated: August 14, 2024

Respectfully submitted,

24 /s/ Michael D. Long
25 MICHAEL D. LONG
26 Attorney for Benjamin Sargisson

27 Dated: August 16, 2024

28 PHILLIP A. TALBERT
United States Attorney

/s/ James Conolly
JAMES CONOLLY
Assistant U.S. Attorney

ORDER

GOOD CAUSE APPEARING AND HAVING BEEN SHOWN, IT IS SO ORDERED.

The date for the status hearing in this matter is hereby re-set for October 31, 2024, at 9:00 a.m., before District Court Judge Daniel J. Calabretta.

For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period from the present date through October 31, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4] because it results from a continuance granted by the Court at defendants' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. Time is hereby excluded through the new hearing date of October 31, 2024.

Dated: August 16, 2024

/s/ Daniel J. Calabretta
THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE